

1 LUCAS J. GAFFNEY, ESQ.  
2 Nevada Bar No. 12373  
3 ORONOZ, ERICSSON & GAFFNEY, LLC  
4 1050 Indigo Drive, Suite 120  
5 Las Vegas, Nevada 89145  
6 Telephone: (702) 878-2889  
Facsimile: (702) 522-1542  
luke@oronozlawyers.com  
*Attorney for Daniel James Barnes*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9  
10 UNITED STATES OF AMERICA, }  
11 Plaintiff, } CASE NO: 2:13-cr-00423-JCM-GWF  
12 vs. }  
13 DANIEL JAMES BARNES, } **STIPULATION TO CONTINUE  
14 Defendant.** } **SENTENCING**  
15 } **(First Request)**  
16 \_\_\_\_\_ }

17 IT IS HEREBY STIPULATED AND AGREED, by Defendant DANIEL BARNES, by  
18 and through his attorney, LUCAS J. GAFFNEY, ESQ., and the United States of America, by  
19 and through CRISTINA D. SILVA, Assistant United States Attorney, that the sentencing  
20 hearing currently scheduled for July 6, 2016 at the hour of 10:00 a.m. be vacated and continued  
21 no less than thirty (30) days to a time convenient to this Honorable Court. The request for a  
22 continuance is based upon the following:

- 23
- 24 1. The additional time requested by this Stipulation to Continue Sentencing Hearing is  
25 reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may,  
for good cause, change any time limits prescribed in this rule."
- 26
- 27 2. Defense counsel requires additional time to gather information pertinent to sentencing  
28 factors under 18 U.S.C. § 3553(a) in order to determine whether a variance may be  
warranted for the Defendant.

- 1
- 2     3. Defense counsel has spoken to DANIEL BARNES who is currently in custody and  
he has no objection to the continuance.
- 3
- 4     4. Defense counsel has spoken to Assistant United States Attorney, CRISTINA  
SILVA, and the Government has no objection to the continuance.
- 5
- 6     5. The additional time requested herein is not sought for the purposes of delay.
- 7
- 8     6. Additionally, denial of this request for a continuance could result in a miscarriage of  
justice.
- 9

10       This is the first stipulation to continue sentencing filed herein.

11       DATED: July 1, 2016

12           Respectfully submitted,

13       \_\_\_\_\_  
14       */s/ Lucas Gaffney*  
15       LUCAS J. GAFFNEY, ESQ.  
16       Oronoz, Ericsson & Gaffney LLC  
17       1050 Indigo Drive, Suite 120  
18       Las Vegas, Nevada, 89145  
19       Attorney for Daniel Barnes

20       \_\_\_\_\_  
21       */s/ Cristina Silva*  
22       CRISTINA D. SILVA  
23       Assistant United States Attorney  
24       501 Las Vegas Blvd. South, Suite 1100  
25       Las Vegas, Nevada, 89101  
26       Attorney for the United States of America

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, }  
Plaintiff, }  
vs. }  
DANIEL JAMES BARNES, }  
Defendant. }  
} CASE NO: 2:13-cr-00423-JCM-GWF  
} **FINDINGS OF FACT, CONCLUSIONS**  
} **OF LAW, AND ORDER**

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The additional time requested by this Stipulation to Continue Sentencing Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
  2. Defense counsel requires additional time to gather information pertinent to sentencing factors under 18 U.S.C. § 3553(a) in order to determine whether a variance may be warranted for the Defendant.
  3. Defense counsel has spoken to DANIEL BARNES who is currently in custody and he has no objection to the continuance.
  4. Defense counsel has spoken to Assistant United States Attorney, CRISTINA SILVA, and the Government has no objection to the continuance.
  5. The additional time requested herein is not sought for the purposes of delay.

6. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

This is the first stipulation to continue sentencing filed herein.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

## ORDER

IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for July 6, 2016, be vacated and continued to **August 4, 2016, at 10:00 a.m.**

DATED July 1, 2016.

Jens C. Mahan  
UNITED STATES DISTRICT JUDGE